

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Donald J. Coon,	:
Petitioner,	:
	:
v.	: File No. 2:14-CV-85
	:
Mark Shea, Shea Family Funeral	:
Homes, Washington County	:
New York Surrogate's Clerk's	:
Office, Ted Wilson, Barbara	:
Smith, Jane Doe, Clerk,	:
Respondent.	:

ORDER

The Report and Recommendation of the United State Magistrate Judge was filed September 5, 2014. Plaintiff's responses were filed September 11, 2014, October 3, 2014 and October 6, 2014. Defendants filed responses on October 1, 2014 and October 7, 2014.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

After careful review of the file, the Magistrate Judge's Report and Recommendation and the objections, this

Court ADOPTS the Magistrate Judge's recommendation in part.

IT IS HEREBY ORDERED that Plaintiff's motions seeking default (Doc. 17, 24, 25) are **DENIED**. It is also ORDERED that the Defendant's Motion to Dismiss (Doc. 21) is **DENIED**. The service of process issues raised are now moot as the Defendants have waived service. In addition, the consolidation recommendation is also moot as judgment was entered on October 3, 2014 in the matter of *Coon v. Southwestern Vermont Medical Center*, No. 2:13-cv-182 and the case is closed.

Dated at Burlington, in the District of Vermont, this 12th day of November, 2014.

/s/ William K. Sessions III
William K. Sessions III
District Court Judge